

THE LAW OFFICE OF MAYYA S.GOTLIB
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(917)930-6621
*Attorney for Defendants OT Aspekt & Chiropractic PLLC
d/b/a Kids Time Therapies*

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
GEITCHING PIERRE

CIVIL ACTION

Docket No: CV 16-6721

Plaintiffs,

ANSWER

- against -

OT ASPEKT & CHIROPRACTIC PLLC d/b/a KIDS TIME
THERAPIES

Defendants
-----X

S I R S:

Defendant OT ASPEKT & CHIROPRACTIC PLLC d/b/a KIDS TIME
THERAPIES by and through their Attorney MAYYA S. GOTLIB ESQ ., as and for its Answer
to the Complaint upon information and belief allege as follows:

Jurisdiction and Venue

1. The answering Defendant does not contest the issues of jurisdiction or venue.

The Parties

2. The Answering Defendant hereby denies knowledge and information sufficient to admit or deny the truthfulness or accuracy of the allegations stated in paragraphs of Complaint herein, designated as "6".

3. The Answering Defendant hereby admits the allegations contained in paragraph “7” of the Complaint.

As and For Defendant’s Answer to Statement of Facts

4. The Answering Defendants hereby admits the allegations stated in paragraphs of the Complaint herein designated as “8”, “10”, “14”, “15”, “16”, “18”, “37”,

5. The Answering defendant denies knowledge and information sufficient to admit or deny the truthfulness or accuracy of the allegations stated in paragraphs of Complaint herein, designated as “19”, “20”, “21”, “22”, “23”, “24”, “25”, “26”, “27”, “28”, “29”, “30”, “31”, “32”, “33”, “34”, “35”, “36”, “39”.

6. The Answering Defendants hereby denies knowledge and information sufficient to admit or deny the truthfulness or accuracy of the allegations stated in paragraphs of Complaint herein, designated as “13” and “17” and respectfully refer all questions of law to be determined by the Court.

7. The answering Defendant hereby denies the allegations stated in paragraphs of Complaint herein designated as “9” and “38”.

8. The answering Defendant hereby denies the allegations contained in paragraph “11” of the Complaint herein as written but admits that throughout her employment Plaintiff received raises.

9. The answering Defendant denies the allegations contained in paragraph “12” of the Complaint as written but admits that part of Plaintiff’s responsibilities consisted of processing medical billing and invoices.

Answering First Cause of Action

10. Defendant hereby realleges, reiterates and incorporates each and every response contained in paragraphs “1” through “9” herein responsive to paragraphs “1” through “39” of the Plaintiff’s Complaint with the same force as is though separately stated herein.

11. Answering defendant denies allegations set forth in paragraphs of the Complaint herein designed as “41” and “42” and refers all questions of law to determination by the Court.

12. Answering defendant denies allegations set forth in paragraphs of the Complaint herein designated as “43”, “44”, and “45”.

Answerin Second Cause of Action

13. Defendant hereby realleges, reiterates and incorporates each and every response contained in paragraphs “1” through “12” herein responsive to paragraphs “1” through “45” of the Plaintiff’s Complaint with the same force as is though separately stated herein.

14. Answering defendant denies allegations set forth in paragraphs of the Complaint herein designed as “47” and “48” and refers all questions of law to determination by the Court.

15. Answering defendant denies allegations set forth in paragraphs of the Complaint herein designated as “49”, “50”, and “51”.

As And For the Separate Defenses

1. Answering defendant had a bonafide non-retaliatory reason for terminating Plaintiff’s employment.

2. Defendants did not violate any labor laws and standards and therefore Plaintiff was not a ‘whistleblower’ within the meaning of FLSA or NYLL.

WHEREFORE, Defendant OT ASPEKT & CHIROPRACTIC PLLC d/b/a KIDS TIME THERAPIES demand judgment dismissing the Complaint of the plaintiff herein, together with

the costs and disbursements of this action and enter judgment in favor of this defendant.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Staten Island, New York
January 27, 2017

Yours, etc.

MAYYA S. GOTLIB ESQ

By: 
MAYYA S. GOTLIB (MG 2401)

Attorney for Defendants
OT ASPEKT & CHIROPRACTIC PLLC d/b/a KIDS TIME
THERAPIES
194 Roma Avenue
Staten Island NY 10306
(917) 930-6621
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To:
Attorneys for Plaintiffs
THE HARMAN FIRM LLP
Walker G. Garman Jr.
220 Fifth Avenue, Suite 900
New York New York 10001

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-against -

OT ASPEKT & CHIROPRACTIC PLLC d/b/a KIDS TIME
THERAPIES

Defendants
_____X

CERTIFICATE OF SERVICE

MAYYA S. GOTLIB ESQ (MG2401_), an attorney duly licensed to practice law in this Court certifies:

- 1) I am over the age of 18 years and not a party to the above matter.
- 2) On January 27, 2017, I served a true copy of Defendants Answer by first class mail to:

Attorneys for Plaintiffs
THE HARMAN FIRM LLP
Walker G. Garman Jr.
220 Fifth Avenue, Suite 900
New York New York 10001

3) Thereafter, on February 6, 2017, I also uploaded a copy of the Answer to the ECF system.

MAYYA S. GOTLIB ESQ

By: 
MAYYA S. GOTLIB (MG 2401)

Attorney for Defendants
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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

GEITCHING PIERRE

Plaintiffs,

- against -

OT ASPEKT CHIROPRACTIC PLLC d/b/a KIDS TIME THERAPIES

Defendants

ANSWER TO COMPLAINT

MAYYA S. GOTLIB ESQ

Attorney for Defendant

OT ASPEKT CHIROPRACTIC PLLC d/b/a KIDS TIME THERAPIES
194 Roma Avenue
Staten Island NY 10306

CERTIFICATION PURSUANT TO FEDERAL RULES

Julie I. Vaiman., Esq. hereby certifies that, pursuant to Federal Rules, the foregoing ANSWER TO COMPLAINT is not frivolous nor frivolously presented.

Dated: New York, New York
January 27, 2017


MAYYA S. GOTLIB ESQ MG 2401

PLEASE TAKE NOTICE

- ☐ that the within is a true copy of a _____ entered in the office of the clerk of the within named Court on _____.
- ☐ that a _____ of which the within is a true copy will be presented for settlement to the Hon. one of the judges of the within named Court at _____, on at 9:30 a.m.